

**REMARKS**

The amendment of the specification adds an explicit recitation of the priority claim acknowledged by the Patent Office in the official record as previously submitted by Applicants, e.g., at least in the Declaration filed March 31, 2005. No new matter is added.

Claims 1-19 have been cancelled without prejudice to or disclaimer of the subject matter therein, solely in an effort to expedite prosecution and allowance of other claims.

Claims 20 and 24-40 are currently pending. Claim 20 has been amended to correct a minor typographical error. New claims 24-40 are supported throughout Applicants' specification and in the original claims. No new matter is added.

***Rejections under 35 U.S.C. § 103 are Rendered Moot or are Traversed***

All rejections of claims under this section except for the rejection relating to claim 20 are rendered moot by the foregoing amendment. The cancellation of these claims is made solely to expedite prosecution and allowance of other claims and does not represent acquiescence by Applicants regarding any asserted bases for rejection.

The Office rejected claim 20 as allegedly unpatentable over Venkateswara et al. (Venkateswara) in view of Hirai, et al. (Hirai), further in view of Matthews, et al. (Matthews). In view of the following remarks, Applicants respectfully traverse the rejection.

The Office asserted that "Venkateswara et al. discloses the acid-insoluble polymer can be 40% by weight of the dried shell (pg. 5, lines 25-27), therefore is considered to be about 30:70 (42%)." It is Applicants' position that the Office has misunderstood the disclosure of Venkateswara.

The cited lines of Venkateswara describe "a preferred embodiment" as follows: "The amount of such enteric polymer employed may range from 5.0 - 40.0 percent, preferably 5.0 - 25.0 percent by weight with reference to the dried shell." However, contrary to the assertion in the Office Action, this passage of Venkateswara does not teach or suggest any ratio of acid-insoluble polymer to film-former polymer as presently claimed.

The Office appears to assume that *every component* of the dried shell other than "enteric polymer" in a composition exhibiting the upper end of the recited range would be a "film-

forming polymer" such as gelatin. Based on this supposition, the Office appears to assert that the "ratio" disclosed would be 40:60. This assertion is simply unsupported. For at least the reason that the cited passage provides no details regarding the further components or composition of the dried shell, it is Applicants' position that nothing regarding a *ratio* of acid-insoluble polymer to film-forming polymer is taught or suggested. Further, review of actual ratios of enteric polymer to gelatin in the exemplified compositions discussed in Venkateswara supports Applicants' position.

The Examples begin on page 8 of Venkateswara. A review of the exemplified compositions shows that no ratio of enteric polymer to gelatin in Venkateswara exceeds 10:30 (which may be restated as 30:90, for ready comparison to 30:70, the lower end of the ratio range as claimed by Applicants). These ratios are substantially lower than that assumed by the Office based on the upper end of a recited percentage range of enteric polymer in a dried shell in the quoted passage of Venkateswara. Again, it should be noted that the cited language fails to teach or suggest *any* percentage or amount of film-forming polymer, e.g., gelatin, purportedly associated with the recited range of enteric polymer. Accordingly, as noted above, *no ratio* is taught in the passage of Venkateswara quoted in the Office Action.

The secondary references are not cited for any teaching or suggestion that cures the noted deficiencies of Venkateswara. Office Action at page 8. Hirai is cited only for alleged teaching relating to pH of a gel mass; and Matthews is cited only for an alleged teaching relating to moisture content of a capsule shell. Neither reference is cited for any teaching or suggestion of a ratio of acid-insoluble polymer to film-forming polymer. Accordingly, the cited teachings of the secondary references fail to cure the deficiencies of Venkateswara.

Because the secondary references are not cited for any teaching or suggestion that cures the deficiencies of Venkateswara, no combination of the cited teachings of the references could provide all elements of Applicants' claimed invention. Accordingly, the rejection is in error and must be withdrawn.

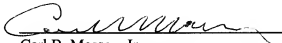
***Conclusion***

All asserted bases for rejection are rendered moot or are properly traversed. Accordingly, the claims are in condition for immediate allowance and early notice to that effect is earnestly solicited.

Should the Office have any questions regarding this Amendment and Reply, they are invited to contact Applicants' undersigned representative using the information provided.

Respectfully submitted,

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